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January 24, 1997

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222, Stop Code 1170
1919 M Street, NW
Washington, DC 20554

Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Retlaw Enterprises, Inc., I am transmitting herewith an original and nine copies of the aforesaid's "Reply Comments" in the above-referenced pending rulemaking proceeding.

If there are any questions concerning this matter, kindly communicate with the undersigned.

Very truly yours,

Carl R. Ramey

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
	)	
Advanced Television Systems	)	MM Docket No. 87-268
and Their Impact Upon the	)	
Existing Television Broadcast	)	
Service	)	

To: The Commission

REPLY COMMENTS
OF
RETLAW ENTERPRISES, INC.

Retlaw Enterprises, Inc. ("Retlaw"), by its attorneys, submits herewith the following reply comments in the above-captioned proceeding. Retlaw is the licensee of nine television stations located in California and the upper northwest states of Washington, Oregon and Idaho.[1]

I.

Preliminary Statement

Retlaw was one of many signatories to the opening "Comments" filed on November 22, 1996 by the Broadcasters Caucus and numerous other television broadcast licensees in response to the Sixth Further Notice of Proposed Rulemaking ("Sixth Notice").

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[1] Retlaw's television stations are: KJEO, Fresno California; KVAL, Eugene, Oregon; KCBY, Coos Bay, Oregon; KPIC, Roseburg, Oregon; KIMA-TV, Yakima, Washington; KEPR-TV, Pasco, Washington; KLEW, Lewiston, Idaho; KBCI-TV, Boise, Idaho; and KIDK-TV, Idaho Falls, Idaho.

Retlaw concurs fully with the general principles advocated in that filing, including, in particular, the following concepts: (1) a transitional table of DTV allotments paired with existing station channel assignments and (2) the full use of all presently utilized VHF and UHF channels in making DTV allotments for the transitional period.

In reviewing the multitude of comments filed in response to the Sixth Notice, one central theme stands out; namely, the widespread unanimity of so many diverse broadcast interests on the basic principles that should govern the allotment of digital channels. The Commission should, therefore, proceed expeditiously to adopt an allotment/assignment table based on those general principles. The process and comments to date also underscore how important it is that any table eventually adopted remain subject to well-managed and ongoing change. Such inherent flexibility is needed to accommodate not only the site-specific concerns of individual broadcasters, but the inevitable changes resulting from future "real world" experiences with this new technology.

As Retlaw reviews the progress of this proceeding and continues to assess its own needs and concerns, two issues are especially critical: (a) the Commission's proposal to adopt a DTV "core spectrum" that would exclude low band VHF channels and (b) the need, as noted above, for flexibility in any eventual Table of Allotments so that stations may easily substitute other technically feasible channels.

II.

The Commission Should Not Adopt a "Core Spectrum" Plan That Excludes The Low VHF Band

Retlaw strongly supports the views of most commentators who have urged the Commission not to create a specific "core spectrum" at this time, given the many technical uncertainties and practical problems necessarily attendant full implementation of DTV service. Of particular concern to Retlaw is the Commission's conclusion in the Sixth Notice that the low-band VHF channels (2-6) should be recaptured for ultimate auction. Sixth Notice, paras. 10, 16. This conclusion is premised, apparently, on the "tentative conclusion" that digital signals in the low VHF band would be subject to unacceptable levels of signal degradation from man-made and atmospheric noise.

However, as the comments demonstrate, there is no sound basis for concluding that the low VHF frequencies are unsuited for DTV use. Indeed, as pointed out in the Supplemental Comments of National Broadcasting Company, Inc. (pp. 2-3), industry field tests support a conclusion that low band VHF channels are "entirely suitable" for DTV use. See also Broadcasters Caucus Comments, pp. 34-35.

At the same time, use of low VHF frequencies for DTV transmission would have the distinct technical advantage of allowing stations to operate at much lower power than would be the case if they were required to operate on higher UHF frequencies. And, given the Commission's central goal of achieving service replication, this factor could be especially important.

As several parties have pointed out[2], problems related to power are uniquely exacerbated in situations where a station has a low VHF NTSC allocation and a UHF DTV allocation. In fact, Retlaw would face this situation with four of its existing stations. Thus, Retlaw's KIDK-TV, licensed to Idaho Falls, Idaho, operating on Channel 3 with 100 Kw visual power would, under the Commission's proposed table (Sixth Notice) be required to operate a DTV facility on Channel 47 with an ERP of 3832 Kw in order to achieve service replication. In other words, KIDK would be expected to increase its power nearly 40 times its current NTSC operation. Similarly, Retlaw's Boise, Idaho station, KCBI-TV, would be required to go from NTSC Channel 2 with 65 Kw visual power to DTV channel 26 operating with an ERP of 2292 Kw; its Lewiston, Idaho station, KLEW, would be required to go from NTSC Channel 3 with 56.2 Kw visual power to DTV channel 46 with an ERP of 3429 Kw; and its Roseburg, Oregon station, KPIC, would be required to go from NTSC Channel 4 with 5.37 Kw visual power to DTV Channel 39 with an ERP of 75.9 Kw.

Such dramatic increases in power would obviously translate into substantial new operating costs. For example, Retlaw has calculated that the annual increase in utility costs resulting from these changes for these stations would alone amount to $640,059.00. Broken down by station, the figures are as follows:

[2] See, e.g., Comments of duTreil, Lundin & Rackley.

	Current Utility Cost	Projected DTV Utility Cost	Differential (Increase)
KPIC, Roseburg	$ 3,300	$ 34,858	$ 31,558
KLEW, Lewiston	$14,200	$232,748	$218,548
KBCI, Boise	$15,600	$197,334	$181,734
KIDK, Idaho Falls	$13,000	$221,219	$208,219
			$640,059

Increases of this magnitude in basic operating costs, coupled with the other extraordinary expenses that will be necessary to convert to digital broadcasting, could have a disproportionate impact on such small market stations -- not only hindering their ability to provide digital service, but potentially cutting into their ability to provide the same level of overall service to the public.

But such results are completely unnecessary and can easily be avoided by allowing such stations eventually to migrate back to their NTSC VHF channel allotments for future DTV service. The foregoing Retlaw stations, for instance, should be able to operate a DTV system on their current low band VHF assignments and replicate their analog coverage at only a small fraction of the power required for a UHF DTV operation.

Accordingly, Retlaw urges the Commission to retain all existing VHF channels for purposes of DTV assignment[3] -- not just those on Channels 7-13. There certainly are no proven technical reasons why DTV cannot work in the low VHF band and, in fact, there are compelling reasons for using that portion of the band because of the lower power required.

III
The Commission Should Permit TV Licensees To Seek and Obtain Modification of Their DTV Allocations Prior To And During The Transition Period

Retlaw fully supports the proposal of the Broadcasters Caucus to permit DTV stations to modify their allocations during the transition period and to sanction an industry advisory committee procedure to oversee the process. This must, as we have emphasized, remain an ongoing, dynamic process. No computer model, no matter how sophisticated, can hope to simulate the real world impact of DTV implementation. On everything from terrain differences to seasonal vegetation and other climatic changes, there are significant potential consequences to DTV operations that only further field testing can resolve. As such, the

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[3] Although the Sixth Notice targets low band VHF channels for possible "recapture", if the Commission is really looking for a practical, contiguous block of spectrum to be used for other services the low VHF frequencies are probably the least practical. Indeed, they are probably the last channels which reasonably could be expected to be recaptured on a nationwide basis. As the Broadcasters Caucus filing points out, there are currently 285 stations operating on channels 2-6, making it one of the most heavily congested areas of the television band. BC Comments, p.36. The likelihood that all of these 285 stations will return their NTSC licenses before the end of the transition seems relatively remote. Moreover, many of those stations are located in major population centers, resulting from the fact that low band VHF frequencies were among the first TV facilities allocated.

Commission must expect and provide for the inevitable and numerous modification requests that will be necessary to implement this new service fairly and efficiently.

At this point, for instance, Retlaw does not concur with all of the specific channel allotments recommended in either the Commission's proposed Sixth Notice table or the "Modified Table" submitted recently with the opening comments of the Broadcasters Caucus.

In particular, we question why in the Boise, Idaho market, where all five commercial stations and one non-commercial station currently operate on VHF frequencies, it is necessary and appropriate to assign UHF DTV channels to five of the six stations -- while favoring the remaining commercial station in the market with the only VHF DTV assignment. This potential inequity is compounded, moreover, by the fact that Retlaw's station, KBCI-TV, would only be able to achieve 90% of its NTSC coverage with its proposed UHF DTV allotment, whereas the one commercial station singled out to receive a VHF DTV allotment would be able to achieve nearly 100% replication of its NTSC service.

Retlaw intends to undertake further engineering studies with respect to DTV channels in Boise and other markets where it operates, and to pursue coordination through the Broadcasters Caucus. Should such further studies and the coordination process confirm that certain channel substitutions would result in better service to the public, Retlaw will file requests for further modification of the DTV table through appropriate rulemaking proceedings.

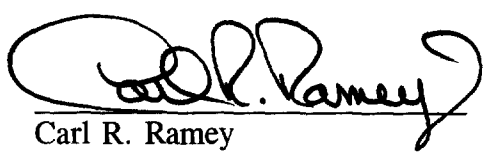
IV.

Conclusion

Accordingly, Retlaw urges the Commission to adopt a DTV Table of Allotments and accompanying procedures consistent with these comments.

Respectfully submitted,

RETLAW ENTERPRISES, INC.

By: 
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Dated: January 24, 1997